

I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion.  
Thomas Jefferson  
September 28, 1820



July 15, 2001

409 Palm Ave., Suite 100, Imperial Beach, CA 91932-1121 Tel: (619)429 7946

Hon. Robert A. Laurie  
Commissioner and Presiding Member Energy  
Facility Siting Committee  
State of California, Energy Resources Conservation and  
Development Commission  
1516 Ninth Street  
Sacramento, CA 95814-5612 RE: Docket 01-SIT-1

Dear Counselor Laurie:

Now could not be a less appropriate time to modify regulations to further diminish public input to the power plant siting process. Great effort has been made by Governor Davis to keep the public uninformed concerning long-term electricity supply contracts negotiations and the environmental impacts of 21 day so-called emergency siting of peaker power plants.

Your proposal to not notify the public concerning discussions between parties appears to be a further step away from open democratic government and in the direction of a system we hate to even mention, fascism.

We intend to determine whether or not our sorely over-worked American Civil Liberties Union, in which we have been a member for nearly 35 years, agrees with us.

As for trusting staff we give you an example of why we can't. We refer to DOCKET NO. 99-AFC-5, ORDER DENYING PETITION FOR RECONSIDERATION dated May 30, 2001. The first sentence of the third paragraph tells it all, we quote: "The studies cited by Intervenor were not submitted into the record nor were they authenticated by expert testimony."

It should have been unnecessary for the Intervenor to even mention the studies!!! Fully professional competent staff would have been fully aware of them (there is no indication that they were) and should have discussed them early-on during alternatives consideration!!!

In Section 1, Section 1212, your proposed possible restriction of oral testimony and cross-examination and of "parties' right to call and examine witnesses, to introduce exhibits \_ \_ \_"

and to rebut evidence is another step down that road away from democracy. As to changing Section 3, 1712, limiting intervenor's right to cross examine, by tying it back to Section 1212, the same can be said.

Adding (d) to Section 4, Section 1714.5, the statement that comments from other state agencies " \_ \_ \_ shall be deemed to represent the position of the State of California \_ \_ \_ " smacks of the way Communist governments are run.

To treat the public and intervenors in the manner described above leads us to the conclusion that the STATE and Commissions answering only to the State are to be trusted with everything.

Sincerely,

*William E. Claycomb*  
William E. Claycomb, President